

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JERMAINE DOCKERY, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:13-cv-326-WHB-JCG

PELICIA HALL, *et. al.*,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
CORRECTED EXPERT REPORT**

Plaintiffs respectfully move the Court to grant them leave to file a corrected version of the expert report of Bruce Gage, M.D. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs filed the expert report of their mental health expert Dr. Gage on November 30, 2018. (ECF No. 806-1). Plaintiffs discovered on December 3, 2018 that there is a calculation error in that report regarding the number of patients at East Mississippi Correctional Facility (EMCF) Defendants have identified as suffering from personality disorders. In Dr. Gage's November 30, 2018 report, that number is listed as 2 patients. In fact, there are 58 patients with that diagnosis identified by Defendants.

2. Plaintiffs have appended as Exhibit A to this Motion a redlined version of Dr. Gage's report, showing the correction to this data on page 13. Plaintiffs have also appended a clean, corrected version of the report as Exhibit B.

3. Rule 26 of the Federal Rules of Civil Procedure requires parties to correct expert reports "if the party learns that in some material respect the disclosure or response is incomplete or incorrect." Fed. R. Civ. P. 26(e)(1); *see* Fed. R.Civ.P. 26(e)(2) (requiring supplementation to

correct expert disclosures). The correction to the calculation here does not substantially prejudice Defendants. It has only been two business days since Plaintiffs filed Dr. Gage's original report. Should the Court set this matter for an evidentiary hearing, Defendants will have ample time to prepare to cross-examine Dr. Gage on his corrected report.

4. Plaintiffs have conferred with Defendants about this motion. Defendants do not object to it.

5. For the foregoing reasons, Plaintiffs respectfully ask the Court to grant them leave to file the corrected expert report by Dr. Gage, appended as Exhibit B.

Dated: December 4, 2018

Respectfully submitted,

s/ Eric G. Balaban

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